

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEON PERCIVAL, SR.,

Plaintiff,

Case No. 1:02-cv-363

v.

Hon. Richard Alan Enslen

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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ORDER APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed July 14, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Defendants Kelley and Rowley's Amended Rule 56(b) Motion for Summary Judgment (Dkt. No. 147) is **DENIED** for the reasons stated in the Report and Recommendation.

Dated in Kalamazoo, MI:
August 3, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
United States District Judge